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Attorneys for Defendant
PRICEWATERHOUSECOOPERS LLP

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

HCL PARTNERS LIMITED PARTNERSHIP, on behalf of itself and all others similarly situated,

Plaintiff,

v.

LEAP WIRELESS INTERNATIONAL, INC., S. DOUGLAS HUTCHESON, AMIN I. KHALIFA, GRANT A. BURTON, MICHAEL B. TARGOFF, JOHN D. HARKEY, ROBERT V. LaPENTA, and PRICEWATERHOUSECOOPERS LLP,

Defendants.

KENT CARMICHAEL, Individually and on behalf of all others similarly situated,

Plaintiff,

v.

LEAP WIRELESS INTERNATIONAL, INC., S. DOUGLAS HUTCHESON, AMIN I. KHALIFA, GRANT A. BURTON, MICHAEL B. TARGOFF, JOHN D. HARKEY, ROBERT V. LaPENTA, and PRICEWATERHOUSECOOPERS LLP,

Defendants.

Case No.: 07cv2245 BTM (NLS)

DEFENDANT PRICEWATERHOUSECOOPERS LLP'S NOTICE OF MOTION AND MOTION TO DISMISS PLAINTIFFS' CONSOLIDATED CLASS ACTION COMPLAINT

DATE: November 21, 2008
TIME: 11:00 a.m.
CTRM: 15

The Hon. Barry Ted Moskowitz

Case No.: 08cv0128 BTM (NLS)

No Oral Argument Unless Requested By The Court

TO ALL PARTIES AND THEIR COUNSEL OF RECORD

PLEASE TAKE NOTICE that on November 21, 2008, at 11:00 a.m., or as soon thereafter as the matter may be heard, in Courtroom 15 of the United States District Court for the Southern District of California, located at 4290 Edward J. Schwartz Federal Building, 880 Front Street, San Diego, California, the Honorable Barry Ted Moskowitz presiding, Defendant PricewaterhouseCoopers LLP ("PwC") will and hereby does move for an Order dismissing Plaintiff's Consolidated Class Action Complaint as to PwC, pursuant to the Private Securities Litigation Reform Act ("Reform Act" or "PSLRA", 15 U.S.C. § 78u-4(b)(2)), and Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure. PwC's Motion is based on Plaintiff's failure to meet the heightened pleading standards that apply to the claim it has asserted against PwC under Section 10(b) of the Securities Exchange Act of 1934, 15 U.S.C. § 78j. In particular, Plaintiff has failed to plead with particularity facts creating a strong inference that PwC had the requisite intent to defraud investors.

Plaintiff has also failed to state a claim for purchases of securities prior to March 1, 2007. There are no statements alleged to have been made by PwC prior to that point in the class period.

This Motion is made based on this Notice of Motion and Motion, the Memorandum of Points and Authorities in support, the Declaration of Lori Lynn Phillips in support, other such matters of which the Court may take judicial notice, all pleadings on file in this action, and such further evidence and argument as may be submitted in responsive briefing or at oral argument.

DATED: August 28, 2008

Respectfully submitted,

HELLER EHRMAN LLP

By __/s/ Lori Lynn Phillips

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